



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/003,000 01/05/98 SIEFERT

D 6118.02

QM12/0929

EXAMINER

DOUGLAS S FOOTE
INTELLECTUAL PROPERTY SECTION
AT AND T GLOBAL INFORMATION SOLUTIONS CO
WORLD HEADQUARTERS
DAYTON, OH 45479

RIMELL, S

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 09/29/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/003,000	Applicant(s) Siefert
	Examiner Samuel G. Rimell	Group Art Unit 3712

- Responsive to communication(s) filed on _____.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 1-4, 7, 8, and 10-15 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-4, 7, 8, and 10-15 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152



RIMMEL
SIEFERT
EXAMINER

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Preliminary Notes:

(1) Examiner notes that the specification has been amended to recite a continuing application 08/334,779. Accordingly, a new declaration should be submitted claiming priority to this parent application. Otherwise, no priority will be granted.

(2) Applicant should set forth prior art in an information disclosure statement in accordance with 37 CFR 1.97-1.99. The listing of references on the last page of the specification does not guarantee consideration of these references, particularly, since Examiner does not have access to these references. Accordingly, if applicant wishes these references to be considered, then they must be listed in an Information Disclosure Statement.

Objections

The specification is objected to for the following informality: The Detailed Description of the Invention does not utilize reference numerals which refer to reference numerals in the drawings. Correction is required in response to this action.

The disclosure is objected to for lacking an abstract. An abstract is required in response to this office action.

The disclosure is objected to for failing to provide information on related applications. The section describing related applications is obviously incomplete. The completion of this information is required in response to this office action.

Rejections

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. ('454).

Lee et al. ('454) is PCT publication WO 93/16454. The Reasons for the Rejection were set forth in the Final Office Action of 08/334,779 to which applicant claims priority and which is hereby incorporated by reference.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. In view of Bales.

The Reasons for this Rejection were set forth in the Final Office Action of 08/334,779 to which applicant claims priority and which is hereby incorporated by reference.

Remarks

With respect to the Lee reference, applicant argues that Lee does not disclose a plurality of computers with a plurality of roving communicators. This argument is plainly erroneous. The Lee

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reference is intended to establish student workstations with a teacher's workstation. That alone establishes a plurality of computers and one would have to assume that there was only one student in the class for there to be only one student workstation. This is clearly not the intent of the intent of the Lee reference. Applicant also argues that Lee does not disclose multiple education programs. This is also clearly erroneous. Page 7 of Lee gives numerous examples of different types of educational programs which can be incorporated in the system of Lee.

Applicant further argues that Lee does not disclose student profiling or and continue teacher intervention. Both of these arguments are clearly erroneous. Student profiling is discussed on page 8 lines 28-33 and the lessons presented by the computer instead of the teacher prevent continuous teacher intervention.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

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